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BATES, KEVIN T

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2153	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/814,766	MARMAROS ET AL.	
	Examiner	Art Unit	
	KEVIN BATES	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 July 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8,12-15,17-53 and 55-67* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8,12-15,17-53 and 55-67* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4-22-08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

This Office Action is in response to a communication made on July 14, 2008.

The Information Disclosure Statement received April 22, 2008 has been considered.

Claims 66-67 has been newly added.

Claims 1-3, 7-8, 12-14, 33-35, 39-40, 44-45, and 65 have been amended.

Claims 9-11, 16, and 54 have been cancelled.

Claims 1-8, 12-15, 17-53, and 55-67 are pending in this application.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

Claims 33 and 45 have been amended to recite the limitation "a computer-readable storage medium", but the specification is unclear as to the distinction between what embodiments are considered computer-readable media, storage media, and transmission media, all found on page 5 of the specification.

Correction of the following is **recommended**:

In page 5 of the specification:

of suitable computer processors, such as processors from Intel Corporation of Santa Clara, California and Motorola Corporation of Schaumburg, Illinois. Such

processors include, or may be in communication with, media, for example computer-readable media, which stores instructions that, when executed by the processor, cause the processor to perform the steps described herein. Embodiments of computer-readable media include, but are not limited to, an electronic, optical, magnetic, or other storage or transmission device capable of providing a processor, such as the processor 110 of client 102a, with computer-readable instructions. Other examples of suitable media include, but are not limited to, storage media (i.e. a floppy disk, CD-ROM, DVD, magnetic disk, memory chip, ROM, RAM, an ASIC, a configured processor), all optical media, all magnetic tape or other magnetic media, or any other medium from which a computer processor can read instructions. Also, various other forms of computer-readable media may transmit or carry instructions to a computer, including a router, private or public network, or other transmission device or channel, both wired and wireless. The instructions may comprise code from any suitable computer-programming language, including, for example, C, C++, C#, Visual Basic, Java, Python, Perl, and JavaScript.

If there are any questions about how to clear up the specification objection, the applicant is encouraged to contact the examiner.

Claim Objections

Claims 34-44, 46-53, 55-64 are objected to because of the claims are directed towards “the computer readable medium” though the limitation in independent claims have been amended to recite "the computer readable storage medium". There appears

to be a lack of antecedent basis now based on the amendments to the independent claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 13-15, 17-32, 45-53, and 55-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruen (2005/0057584) in view of Bengel ("Archiving and Indexing Chat Utterances").

Regarding claim 13, Gruen teaches a method, comprising:

identifying message activity associated with an message application on a client device (¶53);

identifying a message event associated with an instant messenger message and having event data (¶53); and

compiling the message event from at least some of the event data (¶51-52).

Gruen does not explicitly indicate that the message event is an instant messenger event.

Bengel teaches a system for indexing messages which includes Instant Messenger messages (Page 2, right column, 3rd full paragraph) and identifying a user interface change associated with an instant messenger application (Page 2, right column, 1st and 2nd full paragraphs).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Regarding claim 45, Gruen teaches a computer-readable storage medium for processing IM events, the computer-readable storage medium containing executable program code, comprising:

Program code for identifying message activity associated with a message application on a client device (¶53);

Program code for identifying a message event associated with an instant messenger message and having event data (¶53); and

Program code for compiling the message event from at least some of the event data (¶51-52).

Gruen does not explicitly indicate that the message event is an instant messenger event, that the instant message event is compiled determining changes in a user interface

Bengel teaches a system for indexing messages which includes Instant Messenger messages (Page 2, right column, 3rd full paragraph) and extracting text from

a display area associated with the instant messenger application ((Page 2, right column, 1st and 2nd full paragraphs).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Regarding claims 14 and 46, Gruen teaches the method of claims 13 and 45, wherein identifying instant messenger activity comprises identifying instant messenger network activity (¶53).

Regarding claims 15 and 47, Gruen teaches the method of claims 14 and 46, wherein event data is also determined from the instant messenger network activity (¶53).

Regarding claim 48, Gruen teaches the method of claim 45.

Gruen does not explicitly indicate wherein identifying instant messenger activity comprises identifying a user interface change associated with an instant messenger application.

Bengel teaches a system for identifying instant messenger activity comprises identifying a user interface change associated with an instant messenger application (Page 2, right column, 1st and 2nd full paragraphs).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM

messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Regarding claims 17 and 49, Gruen teaches the method of claims 13 and 45.

Gruen does not explicitly indicate wherein identifying instant messenger activity comprises determining that the instant messenger application is active.

Bengel teaches identifying instant messenger activity comprises determining that the instant messenger application is active (Page 2, right column, 1st and 2nd full paragraphs).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Regarding claims 18 and 50, Gruen teaches the method of claims 13 and 45.

Gruen does not explicitly indicate wherein identifying the instant messenger event comprises monitoring the instant messenger application for an ongoing period of time.

Bengel teaches identifying the instant messenger event comprises monitoring the instant messenger application for an ongoing period of time (Page 2, right column, 1st and 2nd full paragraphs).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM

messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Regarding claims 19 and 51, Gruen teaches the method of claims 13 and 45.

Gruen does not explicitly indicate wherein identifying the instant messenger event comprises analyzing a current state of the instant messenger application to identify the instant messenger event.

Bengel teaches wherein identifying the instant messenger event comprises analyzing a current state of the instant messenger application to identify the instant messenger event (Page 2, right column, 1st and 2nd full paragraphs).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Regarding claims 20 and 52, Gruen teaches the method of claims 13 and 45.

Gruen does not explicitly indicate wherein identifying the instant messenger event comprises identifying a display area associated with the instant messenger application and determining the content of the display area.

Bengel teaches identifying the instant messenger event comprises identifying a display area associated with the instant messenger application and determining the content of the display area (Page 2, right column, 1st and 2nd full paragraphs).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM

messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Regarding claims 21 and 53, Gruen teaches the method of claims 13 and 45.

Gruen does not explicitly indicate wherein identifying the instant messenger event comprises one or more of monitoring operating system calls made by the instant messenger application to display text, hooking into the instant messenger application's notification application program interface, and directly querying the instant messenger application.

Bengel teaches identifying the instant messenger event comprises one or more of monitoring operating system calls made by the instant messenger application to display text, hooking into the instant messenger application's notification application program interface, and directly querying the instant messenger application (Page 2, right column, 1st full paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Regarding claim 22, Gruen teaches the method of claim 13.

Gruen does not explicitly indicate wherein identifying the instant messenger event comprises extracting text from a display area associated with the instant messenger application.

Bengel teaches wherein identifying the instant messenger event comprises extracting text from a display area associated with the instant messenger application ((Page 2, right column, 1st and 2nd full paragraphs).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Regarding claims 23 and 55, Gruen teaches the method of claims 13 and 45, wherein compiling the instant messenger event is performed upon the sending or receipt of the instant messenger message (¶53).

Regarding claims 24 and 56, Gruen teaches the method of claims 13 and 45.

Gruen does not explicitly indicate wherein compiling the instant messenger event is performed after a period of time.

Bengel teaches compiling the instant messenger event is performed after a period of time (Page 3, Right Column, 2nd full paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Regarding claims 25 and 57, Gruen teaches the method of claims 13 and 45.

Gruen does not explicitly indicate wherein the period of time is predetermined.

Bengel teaches the period of time is predetermined (Page 3, Right Column, 2nd full paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Regarding claims 26 and 58, Gruen teaches the method of claims 13 and 45.

Gruen does not explicitly indicate wherein the period of time is a period of inactivity on the instant messenger application.

Bengel teaches the period of time is a period of inactivity on the instant messenger application (Page 3, Right Column, 2nd full paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Regarding claims 27 and 59, Gruen teaches the method of claims 13 and 45, further comprising associating the instant messenger event with a conversation (¶55).

Regarding claims 28 and 60, Gruen teaches the method of claims 13 and 45 wherein the event data comprises one or more of sender data, recipient data, a time associated with the event, a date associated with the event, and content from the instant messenger message (¶51-52).

Regarding claims 29 and 61, Gruen teaches the method of claims 13 and 45, wherein event data comprises a conversation ID (¶55).

Regarding claims 30 and 62, Gruen teaches the method of claims 27 and 59, wherein associating the instant messenger event with a conversation comprises: determining if an existing conversation relevant to the instant messenger event exists; associating the instant messenger event with an existing conversation if the existing conversation is determined to be relevant to the instant messenger event; and associating the instant messenger event with a new conversation if no existing conversation is determined to exist that is relevant to the instant messenger event (¶49-51).

Regarding claims 31 and 63, Gruen teaches the method of claims 30 and 62, wherein determining if an existing conversation exists is based at least in part on participants in the message and a time the message was received or sent (¶48-49; 51).

Regarding claims 32 and 64, Gruen teaches the method of claims 30 and 62, further comprising determining a title associated with the conversation (¶53).

Claim 66 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gruen (2005/0057584) in view of Bengel ("Archiving and Indexing Chat Utterances") and in further view of Shtivelman (6346952).

Regarding claim 66, Gruen teaches the computer-readable medium of claim 45.

Gruen in combination with Bengel does not explicitly indicate wherein the extraction of the text from the display area comprises performing optical character recognition on an image.

Shtivelman teaches a system for extracting information from chat conversations includes extraction of the text from the display area comprises performing optical character recognition on an image (Col. 12, lines 5 – 15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Shtivelman's teaching of OCRing images for keywords so that the messages in the Gruen and Bengel can be indexed based on text keywords and also non-text based keywords (Col. 11, lines 53 - 59).

Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gruen (2005/0057584) in view of Bengel ("Archiving and Indexing Chat Utterances") and in further view of Daniell (2004/0054737).

Regarding claim 67, Gruen teaches the method of claim 13.

Gruen does not explicitly indicate identifying an instant messenger event at least in part by hooking into the instant messenger application's notification application program interface.

Daniell teaches identifying an instant messenger event at least in part by hooking into the instant messenger application's notification application program interface (Figure 7, element 308, 614, and 310).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Daniell's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Claims 1-8, 12, 33-44, and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruen (2005/0057584) in view of Daniell (2004/0054737), and in further view of Newton (2003/0131061).

Regarding claim 1, Gruen teaches a method, comprising:

capturing a message event by compiling event data associated with at least one message (¶53);

associating the message event with a conversation (¶55); and

indexing at least some of the event data associated with the message event (¶51-52).

Gruen does not explicitly indicate that the message event is an instant messenger event, that the instant message event is compiled after determining a period of inactivity, and that the period of inactivity is based on at least in part of an identity of a user.

Daniell teaches a system for indexing messages which includes Instant Messenger messages (¶116-119), where the instant message event data is compiled based on sessions (¶119).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Daniell's teaching of monitoring and indexing chat and IM

messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Daniell does not explicitly indicate that IM sessions are defined based on a period of inactivity.

Newton teaches that IM sessions are defined based when the IM window is closed or a threshold period of inactivity is reached, wherein further the period of inactivity is determined based on event messages received based on involved parties (i.e. user identifies) (¶104-105).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Newton's teaching of defining IM sessions in determining when to index IM chat transcripts and emails into conversation threads as taught by Gruen and Daniell.

Regarding claim 33, Gruen teaches a computer-readable storage medium for processing IM events, the computer-readable storage medium containing executable program code, comprising:

program code for capturing a message event by compiling event data associated with at least one message (¶53);

program code for associating the message event with a conversation (¶55); and

program code indexing at least some of the event data associated with the message event (¶51-52).

Gruen does not explicitly indicate that the message event is an instant messenger event, that the instant message event is compiled determining changes in a user interface

Daniell teaches a system for indexing messages which includes Instant Messenger messages (¶116-119), where the instant message event data is compiled based on sessions (¶119).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Daniell's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Daniell does not explicitly indicate that IM sessions are defined based changes in the user interface.

Newton teaches that IM sessions are defined based collected IM messages, where the messages are new text messages to be added to the user interface (¶104-105).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Newton's teaching of defining IM sessions in determining when to index IM chat transcripts and emails into conversation threads as taught by Gruen and Daniell.

Regarding claim 65, Gruen teaches a method, comprising:

identifying a message network packet associated with a message application on a client device (¶53);

monitoring the message application to determine event data associated with an instant messenger message (¶53);

compiling a message event from at least some of the event data (¶53);

determining if an existing conversation relevant to the message event exists; associating the message event with an existing conversation if the existing conversation is determined to be relevant to the message event (¶49-51); and

associating the message event with a new conversation if no existing conversation is determined to exist that is relevant to the message (¶49-51); and

indexing and storing the message event (¶51-52).

Gruen does not explicitly indicate that the message event is an instant messenger event, that the instant message event is compiled after determining a period of inactivity, and that the period of inactivity is based on at least in part of an identity of a user.

Daniell teaches a system for indexing messages which includes Instant Messenger messages (¶116-119), where the instant message event data is compiled based on sessions (¶119).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Daniell's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Daniell does not explicitly indicate that IM sessions are defined based on a period of inactivity.

Newton teaches that IM sessions are defined based when the IM window is closed or a threshold period of inactivity is reached, wherein further the period of inactivity is determined based on event messages received based on involved parties (i.e. user identifies) (¶104-105).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Newton's teaching of defining IM sessions in determining when to index IM chat transcripts and emails into conversation threads as taught by Gruen and Daniell.

Regarding claims 2 and 34, Gruen teaches the method of claims 1 and 33, further comprising: receiving a search query; and identifying the conversation as relevant to the search query (¶102-103).

Gruen does not explicitly indicate associating an IM event with a conversation.

Daniell teaches a system for indexing messages which includes Instant Messenger messages (¶116-119), where the instant message event data are indexed with email threads of conversations (¶116-119).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Daniell's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Regarding claims 3 and 35, Gruen teaches the method of claims 1 and 33 wherein the event data comprises one or more of sender data, recipient data, a time

associated with the event, a date associated with the event, and content from the instant messenger message (¶51-52).

Regarding claims 4 and 36, Gruen teaches the method of claims 3 and 35, wherein indexing at least some of the event data comprises associating an event ID with the event and associating the event ID with at least some of the event data (¶50).

Regarding claims 5 and 37, Gruen teaches the method of claims 1 and 33, wherein the instant messenger event is captured on a client device (¶47).

Regarding claims 6 and 38, Gruen teaches the method of claims 1 and 33, wherein the instant messenger event is captured on a network device (¶47).

Regarding claims 7 and 39, Gruen teaches the method of claims 1 and 33, wherein capturing an instant messenger event comprises: identifying an activity associated with an instant messenger application on a client device (¶53); identifying the instant messenger event (¶53); and compiling the instant messenger event from at least some of the event data (¶51-52).

Regarding claims 8 and 40, Gruen teaches the method of claims 1 and 33, wherein compiling the instant messenger event is performed upon the sending or receipt of the instant messenger message (¶53).

Regarding claim 41, Gruen teaches the method of claim 33.

Gruen does not explicitly indicate wherein compiling the instant messenger event is performed after a period of time.

Daniell teaches a system for indexing messages which includes Instant Messenger messages (¶116-119), where the instant message event data is compiled based on sessions (¶119).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Daniell's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Daniell does not explicitly indicate that IM sessions are defined based on a period of inactivity.

Newton teaches that IM sessions are defined based when the IM window is closed or a threshold period of inactivity is reached, wherein further the period of inactivity can be a defined threshold(¶104-105).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Newton's teaching of defining IM sessions in determining when to index IM chat transcripts and emails into conversation threads as taught by Gruen and Daniell.

Regarding claim 42, Gruen teaches the method of claim 33.

Gruen does not explicitly indicate wherein the period of time is predetermined.

Daniell teaches a system for indexing messages which includes Instant Messenger messages (¶116-119), where the instant message event data is compiled based on sessions (¶119).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Daniell's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Daniell does not explicitly indicate that IM sessions are defined based on a period of inactivity.

Newton teaches that IM sessions are defined based when the IM window is closed or a threshold period of inactivity is reached, wherein further the period of inactivity can be a defined threshold(¶104-105).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Newton's teaching of defining IM sessions in determining when to index IM chat transcripts and emails into conversation threads as taught by Gruen and Daniell.

Regarding claim 43, Gruen teaches the method of claim 41.

Gruen does not explicitly indicate wherein the period of time is a period of inactivity on the instant messenger application.

Daniell teaches a system for indexing messages which includes Instant Messenger messages (¶116-119), where the instant message event data is compiled based on sessions (¶119).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Daniell's teaching of monitoring and indexing chat and IM

messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Daniell does not explicitly indicate that IM sessions are defined based on a period of inactivity.

Newton teaches that IM sessions are defined based when the IM window is closed or a threshold period of inactivity is reached, wherein further the period of inactivity can be a defined threshold(¶104-105).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Newton's teaching of defining IM sessions in determining when to index IM chat transcripts and emails into conversation threads as taught by Gruen and Daniell.

Regarding claims 12 and 44, Gruen teaches the method of claims 1 and 33, further comprising: determining if an existing conversation relevant to the instant messenger event exists; associating the instant messenger event with an existing conversation if the existing conversation is determined to be relevant to the instant messenger event; and associating the instant messenger event with a new conversation if no existing conversation is determined to exist that is relevant to the instant messenger event (¶49-51).

Response to Arguments

Applicant's arguments with respect to claims 1, 33, and 65 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's with respect to claims 13 and 45 have been considered but they are not persuasive.

The applicant argues that the reference Bengel, teach determining a change in the user interface of the IM application or extracting text from a display area of the IM application.

The examiner disagrees, Bengel teaches pulling the text of the chat sessions and indexing and logging that text. The text is clearly the information that is changes in the user interface and displayed in the display area. Since it is the chat text that is indexed, then it is the data from the interface and display that is being used to determine event data.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN BATES whose telephone number is (571)272-3980. The examiner can normally be reached on 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin Bates/
Primary Examiner, Art Unit 2153